

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में फिन पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 12th August, 2005:—

BILL NO. 20 OF 2005

A Bill to prohibit extravagant and wasteful expenditure on marriages and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Extravagant Expenditure on Marriages Act, 2005.

Short title,
and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

Definitions.

Prohibition of
extravagant
expenditure
on marriage.

(b) "expenditure on marriage" includes expenditure incurred during marriage celebrations on invitation cards, decoration, tented pandals, illumination, fireworks, luncheon, dinner, clothes, ornaments, gifts, hiring of a baraati ghar, banquet hall or hotel or such other places for celebrating marriages;

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) Notwithstanding anything in any community, tribe or religion, all the marriages, shall be solemnized in a simple ceremony without any extravagant expenditure on such marriages.

(2) The appropriate Government shall fix the limit of guests and relatives who may be invited to attend the solemnization of a marriage or reception held thereafter.

(3) The appropriate Government shall fix the limit of expenditure which can be incurred on a marriage.

4. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall prescribe necessary guidelines for carrying out the purposes of this Act.

5. Any person who contravenes the provisions of section 3 shall be liable for imprisonment for a term which may extend to five years and with fine which may extend to one lakh rupees.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty, and any such order or direction shall be final.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

8. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Guidelines to
be framed by
the
appropriate
Government.

Punishment.

Removal of
difficulties.

Act not to be
in derogation
of any law.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Nowadays marriages are celebrated with pomp and show, people spend lavishly on such celebrations. Lakhs of rupees are spent on shamianas and decorations followed by sumptuous feasts. In addition to all these things, substantial cash and costly gifts are exchanged. People use these occasions to spend their black money. It is unfortunate that poor people are also affected by this pomp and show, this situation is creating unrest among those who have no money to spend lavishly.

Since extravaganza during marriages has become the order of the day, those who are poor become heavily indebted or are being forced to adopt corrupt practices to earn money. As such corruption in all walks of life has acquired alarming proportions. It is very harmful for the progress of the nation.

It is a fact that even after spending lakhs of rupees on marriages people are not happy. This leads to bride burning and marital discords. Parents sometimes try to extract as much money as possible through the marriage of their sons.

Thus ugly tendency has to be checked and deterrent punishment has to be provided so that wasteful expenditure is curtailed on auspicious occasions like marriages. This will certainly go a long way in cleansing our society from corruption.

Hence this Bill.

NEW DELHI;
February 1, 2005.

R. SAMBASIVARAO

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative power is, therefore, of normal character.

BILL NO. 82 OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title.

**Substitution of
new article for
article 130.**

**Seat of
Supreme
Court.**

1. This Act may be called the Constitution (Amendment) Act, 2005.

2. For article 130 of the Constitution, the following article shall be substituted, namely:—

"130. The Supreme Court shall sit in Delhi and shall have permanent Bench at Bangalore:

Provided that the Supreme Court may also sit in such other place or places as the Chief Justice of India may, with the approval of the President, from time to time, appoint.".

STATEMENT OF OBJECTS AND REASONS

Delhi is the permanent seat of the Supreme Court of India. But in view of the vastness of the country and its population exceeding hundred crore, majority of the people living in States far away from Delhi particularly those from Southern States, are either deprived of their right to seek justice from the highest court of the land or made to incur very heavy expenses in connection with their cases. Besides, mounting arrears of cases in the Court also cause great hardship to the litigants coming from far away regions like Kerala. This situation has given rise to persistent demand from Southern States for a permanent Bench of the Supreme Court at Bangalore. The Bill seeks to meet this long standing demand of the people of the Southern region of the country.

NEW DELHI;
April 15, 2005.

SURESH KURUP

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a permanent Bench of the Supreme Court at Bangalore. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in respect of construction of new building, appointment of staff and other establishment expenditure, etc. It is estimated that a recurring expenditure of about rupees three crore is likely to be involved per annum. A non-recurring expenditure of about rupees one crore is also likely to be involved.

BILL NO. 77 OF 2005

A Bill to provide for payment of pension and provision of other rehabilitation facilities to old persons.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Old Age Pension and Rehabilitation Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "appropriate Government" means in the case of a State, the State Government and in the case of a Union territory, the Central Government; and</p> <p>(b) "old person" means any person who has attained the age of sixty years or more and who has no independent and adequate means of livelihood.</p>	Definitions.
<p>3. (1) Every old person shall, on an application made in the prescribed form, be paid rupees five hundred per mensem as pension, by the appropriate Government.</p> <p>(2) The pension payable shall be subject to alteration on the basis of the prevailing cost-index as may be determined by the Central Government.</p> <p>(3) The pension referred to in sub-section (1) shall be disbursed to old persons by the appropriate Government through Government Treasury or any branch of nationalised bank as may be prescribed by the Central Government.</p>	Pension to old persons.
<p>4. The infirm from amongst the old persons shall be accommodated in "Old Persons Homes" to be set up in every district by the appropriate Government.</p>	Facilities for infirm persons.
<p>5. It shall be the responsibility of appropriate Government in their respective jurisdictions to provide to old persons,—</p> <p>(a) free medical aid in Government hospitals and other nearest dispensaries recognised by the Government; and</p> <p>(b) residential accommodation free of cost.</p>	Facilities to old persons.
<p>6. (1) There shall be constituted by the Central Government a Fund to be known as the "Old Persons Welfare Fund" to carry out the purposes of this Act.</p> <p>(2) The Fund shall consist of the sums paid into it by the Central Government and grants and donations received from welfare agencies including international agencies.</p>	Constitution of Old Persons Welfare Fund.
<p>7. The expenses incurred on providing the old persons with pension and other rehabilitation facilities provided under this Act shall be met out of the Fund constituted under section 6.</p>	Expenses to be met out of the Fund.
<p>8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p>	Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is customary in our country for every Indian to look-after his aged parents but now the economic conditions are such that it is not possible for the low income persons to support them. Today we find millions of old persons who are unable to take care of themselves or who do not have sufficient means or any support to lead a happy life. These people, who are without any source of income, live in hunger and are left uncared for. The majority of the aged are still left to fend for themselves. Our country, being a welfare State, should provide social security to such old and infirm persons.

This Bill seeks to give impetus to the new social order and seeks to provide pension, medical and residential facilities to old persons.

NEW DELHI;
April 13, 2005.

KRISHNATIRATH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees five hundred per month to such old persons who have attained the age of 60 years or more and who have no independent and adequate means of livelihood. Clause 4 provides that infirm persons from amongst the old persons shall be accommodated in old persons homes to be set up in every district. Clause 5 provides for medical aid and residential facilities free of cost to old persons. Clause 6 provides for the constitution of Old Persons Welfare Fund by the Central Government. This Bill, if enacted, would involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many old persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees one thousand crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees ten crore will also be involved at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only the delegation of legislative power is of a normal character.

BILL NO. 90 OF 2005

A Bill to provide for the welfare and protection of interests of coffee growers.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Coffee Growers Welfare Act, 2005.

Short title
and
commencement.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise require,—

(i) "coffee" means and includes coffee seed of all qualities;

(ii) "coffee grower" means and includes any coffee grower irrespective of the size of the land held by him which is used for growing coffee;

(iii) "prescribed" means prescribed by rules made under this Act.

3. (1) As soon as, may be, after the commencement of this Act, the Central Government shall set up an Authority to be known as the "Coffee Growers Welfare Authority".

Setting up of
the Coffee
Growers
Welfare
Authority.

(2) The Authority shall consist of:—

- (i) a chairman, who shall be the representative of the coffee growers, to be nominated by the Central Government.**
- (ii) a representative of the Union Ministry of Commerce;**
- (iii) a member each from the coffee growing States who shall be nominated by the respective State Government.**

Insurance of
coffee crop.

4. (1) All coffee crop shall be compulsorily insured against natural calamities.

(2) Every coffee grower shall be required to pay premium for insurance of his coffee crop in accordance with the area of land on which coffee is grown by him.

Assessment
of loss, etc.

5. (1) Whenever any coffee growing area is affected by any natural calamity, the Central Government shall, at the earliest available opportunity, depute a team of experts to assess the loss suffered by the coffee growers in that area.

(2) The team of experts deputed by the Central Government shall submit a report within a week to the Central Government about the losses suffered by the coffee growers in the area.

(3) On receipt of the report under sub-section (2), the Central Government shall instruct the insurance company to pay compensation to the coffee growers.

6. (1) If any coffee grower is not satisfied with the compensation amount given by the insurance company, he shall file an appeal before the Authority.

(2) The Authority shall hear both the sides and give their decision within a week of the filing of the appeal.

(3) The decision of the Authority shall be binding on both the parties.

Functions of
the
authority.

7. The Authority shall—

- (i) formulate a draft coffee policy and shall review it at least once in every three years;**
- (ii) recommend to the Government the amount of premium payable by the coffee growers;**
- (iii) recommend to the Government to provide such benefits as may be deemed fit to the coffee growers;**
- (iv) recommend to the Government the minimum support price for coffee;**
- (v) recommend to the Government regarding any other matter relating to coffee industry; and**
- (vi) recommend to the Government, measures to be taken in case of fall in the price of coffee in the international market.**

Minimum
support
price for
coffee.

8. (1) The Central Government shall every year, by order published in Official Gazette, fix the minimum support price for different types and grades of coffee and such fixation shall be notified well in advance before the commencement of harvest of coffee for every season.

(2) While fixing the minimum support price under sub-section (1), the Central Government shall take into consideration the cost of production, return on capital and sustenance of the average or small coffee growers in the coffee sector.

(3) The Central Government shall procure at the minimum support price fixed under sub-section (1), excess quantity of coffee grown by and from the coffee growers through Indian Coffee Board or any other agency constituted for the purpose.

9. (1) If any person buys coffee at a price which is less than the minimum support price so notified under sub-section (1) of section 8, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Where an offence has been committed under sub-section (1) by a company, every person who, at the time the offence was committed, was in charge of and was responsible to, the company for conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

10. (1) The Central Government shall assist the coffee growers in exporting the coffee grown in excess of the domestic demand.

Punishment
for buying of
coffee at
lesser price
than
minimum
support price.

(2) The Central Government shall take such steps as may be recommended by the Authority to protect the coffee growers in case of fall in price of coffee in the international market.

Assistance to
coffee
growers.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Coffee is one of the important commercial crops. It is exported in huge quantities and makes a significant contribution to the country's economy. The coffee growers are spread mainly in three southern States, namely, Karnataka, Kerala and Tamil Nadu who are accountable for ninety per cent of coffee produced in the country. There are several lakh of workers and their families who are depending, directly or indirectly, on coffee cultivation. The coffee growers are facing a lot of problems and have been organizing protests from time to time to attract attention of the Government to their plight. In case of loss of coffee crop due to natural calamity or otherwise, no adequate compensation is given to them. No protection is available to coffee growers in case of fluctuation in prices of coffee products in international coffee market. Coffee growers have no role in formulation of coffee policy or rather any matter relating to coffee industry. In such a situation, there has to be minimum protection for the coffee growers. At present, there is no separate Authority to look after the welfare of coffee growers. It is, therefore, proposed to set up a Coffee Growers Welfare Authority to protect and promote the interests of coffee growers.

Hence this Bill.

NEW DELHI;
May 16, 2005.

M. P. VEERENDRA KUMAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for setting up of a Coffee Growers Benefit Authority. It will involve expenditure in respect of allowances to be paid to the Chairman and other members of the Authority. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five lakh may be incurred per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules, to be made, will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 79 OF 2005*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2005.

Short title.

2. For article 253 of the Constitution, the following article shall be substituted, namely:—

Substitution
of new article
for article
253.

“253. Subject to the provisions of article 363B, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.”

Legislation
for giving
effect to
international
agreements.

3. After article 363A of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
363B.

“363B. Notwithstanding anything in this Constitution, before entering into any treaty, agreement, convention with any other country or countries or before India signs and becomes a party in accordance with any decision made at any international conference, association or other body, it shall be ratified by Parliament.”

Agreements,
etc. to be
ratified by
Parliament
before India
enters into
such
agreements.

STATEMENT OF OBJECTS AND REASONS

Our country enters into agreements, treaties or convention with any country or countries. Even our country signs agreements at the decisions made in any international conference or body. But, the Members of Parliament are not even informed about those agreements, let alone take them into confidence.

Some of the agreements signed by our country in the international arena are not in our interest. If the Parliament was taken into confidence before India becomes a party, such a situation could have been avoided. The views of members should invariably be obtained before entering into any agreement and members can contribute constructive suggestions.

In many European countries, before that country enters into any agreement with any country or in international body, the Legislature of that country is always taken into confidence and only after approval is given by the Legislature, that country enters into agreement. The same system should be adopted in our country also.

It is, therefore, proposed to provide that any agreement in which India is a party should be made only after the same is ratified by Parliament.

NEW DELHI;

M.P. VEERENDRA KUMAR

May 6th, 2005.

BILL No. 94 OF 2005

A Bill further to amend the Contract Labour (Regulation and Abolition) Act, 1970.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Contract Labour (Regulation and Abolition) (Amendment) Act, 2005.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st May, 2005.

37 of 1970.

2. In section 10 of the Contract Labour (Regulation and Abolition) Act, 1970, in sub-section (1), the following proviso shall be added at the end, namely:—

Amendment of Section 10.

"Provided that the contract labour employed in an establishment covered by the notification issued under sub-section (1) shall be deemed to have been absorbed in that establishment on a permanent basis from the date of issue of notification.".

STATEMENT OF OBJECTS AND REASONS

Contract labour plays a significant and important role in almost all industries, in agriculture and allied operations and in service sector. It generally refers to workers engaged through an intermediary and is based on a triangular relationship among the user enterprises, the contractor including the sub-contractor, and the workers. These workers are very large in number and generally belong to the unorganised sector. The concern for providing legislative protection to this category of workers, whose condition was found to be abysmal by various Commissions and Committees, coupled with the judgment of the Supreme Court of India in the Standard Vacuum Refinery Company case, resulted in the enactment of the Contract Labour (Regulation and Abolition) Act, 1970. The Contract Labour (Regulation and Abolition) Act, 1970 was enacted to regulate the employment of Contract Labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.

The proposed amendment becomes necessary to save the interests of contract labour in the country. It is proposed that in case Government decides to prohibit contract labour in a particular type of industry, then in that case the contract workers working in that industry on that day shall be deemed to be permanent employees of that industry. They should be given the benefits enjoyed by the permanent workers of the principal employer after absorption. Besides being in consonance with the Directive Principles of State Policy, this amendment will help in reducing the exploitation of labour to a great extent. This amendment has become all the more necessary after Indian market has been thrown open as a result of liberalisation.

NEW DELHI;
July 11, 2005.

GINGEE N. RAMACHANDRAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for permanent absorption of contract labour upon issuance of a notification by the appropriate Government for prohibiting employment of contract labour in relation to an establishment. Since establishments under the control of the Government are within the purview of the Act, it is possible that contract labour may have to be permanently absorbed in Government establishments. This would entail expenditure from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees fifty crore will be incurred.

A non-recurring expenditure of about rupees eighty crore is also likely to be incurred.

BILL NO. 91 OF 2005*A Bill further to amend the Payment of Bonus Act, 1965.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Bonus (Amendment) Act, 2005.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 1st May, 2005.

Amendment
of Section 2.

21 of 1965.

2. In section 2 of the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act) in clause (13), the words "not exceeding three thousand and five hundred rupees per mensem" shall be omitted.

3. Section 12 of the principal Act shall be omitted.

Omission of
Section 12.

STATEMENT OF OBJECTS AND REASONS

The Payment of Bonus Act, 1965 provides for payment of bonus to employees under the Act. The Act was amended in the year 1995 with a view to enhance the eligibility limit of salary/wage for payment of bonus from rupees two thousand five hundred per mensem of rupees three thousand five hundred per mensem and the calculation ceiling from rupees one thousand six hundred per mensem to rupees two thousand five hundred per mensem. According to section 12 of the Act, the bonus payable to an employee whose salary or wage exceeds rupees two thousand five hundred per mensem has to be calculated as if his salary or wage was rupees two thousand five hundred per mensem.

In today's world of high prices and salaries, imposing a ceiling on the salary for the purpose of bonus is highly unjust. The Union Government is paying bonus to all its Group II, III and IV employees though their salaries are higher than the prescribed limit of rupees three thousand five hundred per mensem for workers as provided in the Payment of Bonus Act, 1956. Non-payment of bonus to the workers in industrial sector on the lines of the employees of the Central Government is unfair and is also legally untenable.

The workers, officers and supervisors are being deprived of getting share of the profit as the profit sharing bonus has been limited to some class IV employees only.

It is, therefore, necessary to remove the ceiling on salary of employees for bonus purpose and to make them eligible for bonus irrespective of their salaries or wages.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 11, 2005.

GINGEE N. RAMACHANDRAN

FINANCIAL MEMORANDUM

The Bill seeks to amend the Payment of Bonus Act, 1965 with a view to omitting the provisions of eligibility limit of rupees three thousand five hundred per mensem for payment of bonus and limit of rupees two thousand five hundred per mensem for calculation of bonus payable to the employees by the employer and to make the employees eligible for bonus irrespective of any limit on their salaries or wages.

The Bill if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees one thousand two hundred crore only from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 93 OF 2005

A Bill further to amend the Payment of Wages Act, 1936.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Payment of Wages (Amendment) Act, 2005.

(2) It shall be deemed to have come into force with effect from the 1st May, 2005.

Amendment of section 1.

2. In section 1 of the Payment of Wages Act, 1936, sub-section (6) shall be omitted. 4 of 1936.

STATEMENT OF OBJECTS AND REASONS

The Payment of Wages Act, 1936 regulates the payment of wages to certain classes of persons employed in various types of establishments and industries. It was enacted to ensure that the wages payable to the employees covered by the Act are disbursed by the employers within the prescribed time limit. The existing wage limit for the applicability of the Act is rupees one thousand six hundred per mensem. A large number of employed persons have gone out of the purview of the Act due to successive rise in wages resulting from rise in cost of living. Hence, in order to make the Act practicable and more effective, it has been proposed to remove the ceiling. In the year 2002, the Ministry of Labour had informed the Standing Committee on Labour and Welfare that initially the Ministry had proposed for deletion of the ceiling but the Group of Ministers in its meeting held on 6 September, 2000 did not accept it. Instead, Group of Ministers directed to replace the same with the enhancement of existing ceiling and to arrive at corresponding figure.

If the existing ceiling is removed, all the workers across the country will be able to get their wages without delay. The proposed amendment will go a long way to help the lakhs of workers across the country and to provide them proper working conditions in industries. The fundamental right to life will become a reality only if the hard-earned wages are paid on time to the workers.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 11, 2005.

GINGEE N. RAMACHANDRAN

Bill No. 95 OF 2005

A Bill further to amend the Industrial Disputes Act, 1947

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 2005.

(2) It shall be deemed to have come into force from the 1st May, 2005.

Amendment of section 2A.

2. Section 2A of the Industrial Disputes Act, 1947 shall be renumbered as 14 of 1947 sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Where no settlement is arrived at in the course of any conciliation proceedings taken under this Act in regard to an industrial dispute referred to in sub-section (1), notwithstanding anything contained in this Act, the aggrieved individual workman may apply in the prescribed manner, to the Labour Court for adjudication of such dispute, and when the dispute has been referred to it for adjudication, all the provisions of this Act relating to adjudication of Industrial Disputes by the Labour Court shall apply to such adjudication."

Amendment of section 10.

3. In section 10 of the Principal Act, in sub-section (4), the following words shall be added at the end, namely:—

"but shall have powers to grant interim orders in relation to the matter in dispute".

Amendment of section 11.

4. In section 11 of the Principal Act, in sub-section (3), after clause (d), the following clause shall be inserted, namely:—

"(e) granting interim orders".

STATEMENT OF OBJECTS AND REASONS

At present a workman has to await a reference from Labour Department to the Labour Court or Tribunal even after a failure report is recorded by the Conciliation Officer. It is necessary to make provision in the existing statute that an aggrieved workman can approach the Labour Court or Tribunal easily for settlement of his dispute without waiting for any reference from the appropriate authority in order to get justice without any delay. In case the proposed amendments become part of the statute it will help the industrial workers to raise their disputes at appropriate forum without much hurdles. Such an analogous provisions have found place in the State laws in the State of Tamil Nadu, which have proved beneficial to the workers. Moreover, these Courts and Tribunals are required to be empowered to grant interim orders while settling the industrial disputes. Such a provision will enable the workmen to get speedier justice without wasting time in search of alternative forum for justice.

NEW DELHI;
July 11, 2005.

GINGEE N. RAMACHANDRAN

BILL NO. 96 OF 2005

A Bill to provide for the establishment of a National Child Welfare Board and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

**Short title
and extent.**

1. (1) This Act may be called the National Child Welfare Board Act, 2005.

(2) It extends to the whole of India.

Definition.

2. In this Act, unless the context otherwise requires, “child” means a person who has not completed the age of eighteen years.

**National Child
Welfare Board.**

3. (1) There shall be established by the Central Government a Board to be known as the “National Child Welfare Board” hereinafter referred to as the “National Board” which shall consist of a Chairperson and four other members having special knowledge or practical experience in the field of education, medicine, sports, culture and social services.

(2) It shall be duty of the National Board to enunciate the national policy for the development of child.

4. There shall be established by every State Government and the Union territory administration, a Board to be known as the "State or Union Territory Child Welfare Board", as the case may be, hereinafter referred to as the "State Board" or "Union Territory Board" which shall consist of a Chairperson and such number of other members, as the State Government or the Union Territory administration may determine and nominate from amongst persons having special knowledge or practical experience in the field of education, medicine, sports, culture and social service.

Child Welfare Boards to be created in every State and Union territory.

5. It shall be the duty of every State and Union Territory Board to—

(i) make recommendations to the National Board as regards—

(a) the ways to improve the health and ensure all-round development of the children;

(b) the type of education which is to be imparted to each child, including technical education and vocational training, keeping in mind the peculiar conditions existing in the State concerned;

(ii) provide education, uniform, transportation and meals, etc., free of cost to every child up to the twelfth standard;

(iii) select children having low family income for higher and technical education and to meet all their expenses;

(iv) select talented children in different sports and ensure proper training to them;

(v) provide free hostel facilities to needy children; and

(vi) provide scholarship to deserving children.

Duties of State/Union Territory Board.

6. It shall be the duty of the Central Government to carry out the policy of the National Board into effect through release of funds and materials.

Central Government to ensure implementation of National Board's policies.

Child Welfare Fund.

7. The Central Government shall constitute a fund to be called the Child Welfare Fund which shall be utilised for carrying out activities related to the all round development of children in the country.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act;

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) the salary and other allowances payable to the members of the National Board, State Boards and Union Territory Boards;

(b) the appointment of the other support staff and provision of office and furniture, etc. for the National and Union Territory Boards; and

(c) any other matter which may be prescribed.

STATEMENT OF OBJECTS AND REASONS

India is a developing country and a large number of people are uneducated, unemployed and poor. Moreover, the children who are the future of the country, are undernourished and education is not being imparted to them as per the requirement of the present time. The rich people can spend money for better education of their children, whereas the large majority of the poor people cannot afford to utilize the natural potentialities of their children. Due to the lack of proper nourished diet and health care, the children become victims of a number of diseases. Therefore, there is an urgent need to formulate a national policy for the development of children. In this connection it is proposed to establish Child Welfare Board. The Child Welfare Board will examine the capability and capacity of the child and make recommendations for the better development of the child. This will also result in lesser number of students dropping out from school. Children will also get employment oriented education and talented children in sports will be trained so that they can perform better in the international arena of sports. To provide funds for all this the Bill also seeks to create a Child Welfare Fund.

Hence this Bill.

NEW DELHI;
July 12, 2005.

RAYAPATI SAMBASIVA RAO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Child Welfare Board. Clause 4 provides for the establishment of State or Union Territory Child Welfare Boards. Clause 5 makes provision for education, uniform, etc. free of cost to all children up to twelfth standard. It further provides for selection of children for higher and technical education and for meeting of all their expenditure by the State or Union Territory Boards. Clause 6 provides that it shall be the duty of the Central Government to carry out the policy of National Board by means of funds and materials. Clause 7 provides for establishment of Child Welfare Fund. This Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees one crore per annum from the Consolidated Fund of India.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 92 OF 2005*A Bill further to amend the Family Courts Act, 1984.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Family Courts (Amendment) Act, 2005.

(2) It shall come into force at once.

Short title
and com-
mencemen1.

66 of 1984.

2. In section 7 of the Family Courts Act, 1984 (hereinafter referred to as the principal Act), in sub-section (2), clause (b) shall be re-numbered as clause (c), and before clause (c) as so re-numbered, the following clause shall be inserted, namely:—

“(b) jurisdiction over cases of maintenance under the Muslim Women (Protection of Rights on Divorce) Act, 1986 (25 of 1986);”.

Amendment
of section 7.

3. In section 17 of the principal Act, the following proviso shall be added, at the end, namely:—

“Provided that all orders and judgments passed under this section may also be executed by respective Civil or Criminal Courts, as the case may be, having jurisdiction.”.

Amendment
of section 17.

4. In section 18 of the principal Act, in sub-section (3), the following words shall be added at the end, namely:—

“or by respective Civil or Criminal Courts, as the case may be, having jurisdiction.”.

Amendment
of section 18.

STATEMENT OF OBJECTS AND REASONS

The Family Courts Act, 1984 was enacted, with a view to promote conciliation in, and secure speedy settlement of, disputes relating to marriage and family affairs and for matters connected therewith. By the said enactment, almost all matrimonial disputes including cases of maintenance, etc. were brought within the jurisdiction of the Family Courts.

The Muslim Women (Protection of Rights on Divorce) Act, 1986 was enacted to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands. Though the said Act was enacted after the enactment of Family Courts Act, 1984, the right to maintenance of divorced Muslim women was not brought under the jurisdiction of the Family Courts. It might have been an inadvertent oversight. Due to this, the benefit of speedy settlement of disputes as well as conciliation for settling matrimonial disputes, provided in the Family Court Act is denied to Muslim women who have been divorced by or have obtained divorce from their husbands.

On scrutiny of the working of the Family Courts it was found that the execution of orders passed by the Family Court are being unnecessarily delayed. The persons have to approach the respective Family Courts repeatedly for getting fruits of the order passed by the Family Courts. Hence it is proposed that the Civil and Criminal Courts in the respective locality are given jurisdiction to execute the orders of the Family Courts, so that there is speedy delivery of justice and implementation of orders of the Family Courts.

The Bill seeks to achieve the above objectives.

Hence the Bill.

NEW DELHI;
July 12, 2005.

C. K. CHANDRAPAN

P.D.T. ACHARY,
Secretary-General.